



WILENTZ, GOLDMAN & SPITZER P.A.

90 Woodbridge Center Drive

P.O. Box 10

Woodbridge, NJ 07095

732-636-8000

Attorneys for Plaintiffs

Lawrence C. Weiner, Esq. (LW-1492)

Alan Wasserman, Esq. (AW-3667)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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POH LIN ANG, CAROLINA
RODRIGUEZ, and LIN PING ANG,

Plaintiffs,

v.

FIFTH ON THE PARK CONDO, LLC
EYTAN BENYANIN and
ROBERT EZRAPOUR,

Defendants.

No. 09 CV 7137 (DLC)

NOTICE OF APPEAL

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G. WILLIAM HUNTER and ROBYN
HUNTER,

Plaintiffs,

v.

FIFTH ON THE PARK CONDO, LLC
EYTAN BENYANIN and
ROBERT EZRAPOUR,

Defendants.

No. 09 CV 7567 (DLC)

← file in

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DAVID BARSTOW, BRIAN SMITH and :
JOHN MCATEER, : No. 09 CV 7786 (DLC)
 :
Plaintiffs, :
 :
v. :
 :
FIFTH ON THE PARK CONDO, LLC :
EYTAN BENYANIN and :
ROBERT EZRAPOUR, :
 :
Defendants. :
 :
-----X

NOTICE IS HEREBY GIVEN THAT Plaintiffs Poh Lin Ang, Carolina Rodriguez, Lin Ping Ang, G. William Hunter, Robyn Hunter, David Barstow, Brian Smith and John Mcateer hereby appeal to the United States Court of Appeal for the Second Circuit pursuant to FED. R. APP. PROC. 3(b)(1) from the Judgment of The Honorable Denise L. Cote, U.S.D.J. that defendants, Fifth on the Park Condo, LLC, Eytan Benyanin, and Robert Ezrapour, are exempt from the Interstate Land Sales Full Disclosure Act's registration and disclosure requirements pursuant to the 100 Lot Exemption, 15 U.S.C. §1702(b)(1) and the Improved Lot Exemption, 15 U.S.C. §1702(a)(2), and dismissing Plaintiffs' claims for rescission of their purchase agreements, return of their deposits and interest, and payment of attorneys' fees, entered in this action on the 2nd day of March, 2010.

WILENTZ, GOLDMAN & SPITZER P.A.

Attorneys for Plaintiffs Poh Lin Ang, Carolina Rodriguez, Lin Ping Ang, G. William Hunter, Robyn Hunter, David Barstow, Brian Smith and John Mcateer

By: 

LAWRENCE C. WEINER, ESQ.

Dated: March 18, 2010